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10/622,017	07/16/2003	David Heller	101-P288/P3054US1	1693

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EXAMINER	
NICKERSON, JEFFREY L	

ART UNIT	PAPER NUMBER
2442	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/622,017	HELLER ET AL.	
	Examiner	Art Unit	
	JEFFREY NICKERSON	2442	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 May 2008 and 15 December 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6,8-10 and 12-42* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6,8-10 and 12-42* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This communication is in response to Application No. 10/622,017 filed on 16 July 2003. Claims 1-6, 8-10, 12-42 have been examined.

Response to Pre-Appeal Conference Request

2. In view of the Pre-Appeal Conference Request filed on 15 December 2008, PROSECUTION IS HEREBY REOPENED.

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing at the conclusion of this Action.

Response to Arguments

3. All prior objections and rejections are hereby withdrawn. New objections and rejections may appear below.

Claim Objections

4. Claim 40 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Correction is required.

Regarding claim 40, this claim attempts to limit the scope of "the first application program" into being "a media management application". However, since the phrase "media management application" must be given its broadest reasonable interpretation, and since claim 1 already recites the first application program storing media files, claim 1 already requires that the first application program be a "media management application".

5. Applicant is advised that should claim 36 be found allowable, claim 37 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-6, 8-10, 12-14, and 39-42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, this claim recites "the user interface of displayed media data..." in step (d). There is insufficient antecedent basis for this limitation in the claim, specifically the "media data" and it being displayed.

Regarding claim 8, a broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. Claim 8 recites the broad recitation "said method being performed by the second application program", while its parent claim (claim 1) recites at least one step being explicitly performed by the first application program, and therefore claim 8 contains a conflicting ranges of limitations. See *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989); *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949).

Claims not explicitly addressed inherit the rejection(s) of their parent claim(s).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 1-6, 8-10, 12-37, and 39-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowker et al (US 6,601,071 B1), and in further view of Dunning et al (US 2002/0082901 A1).

Regarding claim 1, Bowker teaches a method for sharing data between application programs operating on at least one computer system, the computer system having a display and a data storage device (Bowker: abstract; Figure 15), said method comprising:

storing, by a first application program, one or more data records in the data storage device (Bowker: abstract; Figure 15; col 1, line 21 – col 2, line 46);

accessing, by a second application program, a data communication file provided by the first application program (Bowker: col 4, line 5 – col 6, line 11 for export tool), the first application program utilizing information about one or more data records in a proprietary format, and the data communication file being derived from the information such that data internal to the data communication file is acquired from the information

(Bowker: abstract; Figures 8-14 depict the importing; see also col 6, line 11 – col 8, line 54);

producing, by the second application program, a user interface on the display using data internal to the data communication file (Bowker: Figures 8-14; col 6, line 11 – col 8, line 54);

receiving a user selection with respect to the user interface of displayed data extracted from the data communication file (Bowker: Figures 8-14; col 6, line 11 - col 8, line 54);

identifying a data record associated with the user selection (Bowker: Figures 11-12; col 6, line 54 – col 8, line 28);

associating the data record identified by the user selection to the second application program (Bowker: Figure 14; col 8, lines 36 – 49).

Bowker does not teach wherein the data records are media content files; or

wherein the information is media information.

Dunning, in a similar field of endeavor, teaches wherein the data records are media content files (Dunning: [0087]); and

wherein the information is media information (Dunning: [0087]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Dunning for using a music/media environment. The teachings of Dunning, when implemented in the Bowker system, will allow one of ordinary skill in the art to export a database of music files to xml and import to another database. One of ordinary skill in the art would be motivated to utilize the

teachings of Dunning in the Bowker system in order to apply the system into an environment of which many computer users partake.

Regarding claim 2, the Bowker/Dunning system teaches wherein the data within the data communication file includes a link to the media content file (Dunning: [0141] provides for hyperlink use).

Regarding claim 3, the Bowker/Dunning system teaches wherein the associated media content file is thereafter useable by the second application program (Bowker: Figure 14 and col 8, lines 36-50 provide the original data is available at second database; Dunning: [0205]-[0206]).

Regarding claim 4, the Bowker/Dunning system teaches wherein said associating comprises presenting the media content file at the computer system (Bowker: Figure 14; Dunning: [0205]).

Regarding claim 5, the Bowker/Dunning system teaches wherein said associated comprises playing or displaying, within the second application program on the computer system, media content from the media content file (Bowker: Figure 14; Dunning: [0205]-[0206]).

Regarding claim 6, the Bowker/Dunning system teaches wherein the user interface includes at least a menu of media items determined from data acquired from the data communication file provided by the first application (Bowker: Figures 11-12 provide for menu of multiple data items when importing; Dunning: [0294]-[0295]).

Regarding claim 8, the Bowker/Dunning system teaches wherein the method is performed by the second application program (Dunning: [0205]).

Regarding claim 9, the Bowker/Dunning system teaches wherein the data communication file is a markup language document (Bowker: abstract).

Regarding claim 10, the Bowker/Dunning system teaches wherein the markup language document is an XML document (Bowker: abstract).

Regarding claim 12, the Bowker/Dunning system teaches wherein the data within the data communication file includes at least media item properties and links to storage locations for media content files containing media content for the media items (Dunning: [0205]-[0206], [0300]).

Regarding claim 13, the Bowker/Dunning system teaches wherein said producing, said receiving, said identifying, and said associating are each able to be performed

regardless of whether the first application is being executed by the computer system (Dunning: [0205]-[0206], [0300]).

Regarding claim 14, the Bowker/Dunning system teaches wherein said first application program is a music manager and player, and wherein said second program is an image or video manager and viewer (Dunning: [0300], Figure 17).

Regarding claims 15, this computer readable medium claim contains limitations found within that for claim 1 and the same rationale of rejection is used, where applicable.

Regarding claims 16, this computer readable medium claim contains limitations found within that for claims 2 and 3, and the same rationale of rejection is used, where applicable.

Regarding claims 17, this computer readable medium claim contains limitations found within that for claim 4 and the same rationale of rejection is used, where applicable.

Regarding claims 18, this computer readable medium claim contains limitations found within that for claim 6 and the same rationale of rejection is used, where applicable.

Regarding claims 19, this computer readable medium claim contains limitations found within that for claim 9 and the same rationale of rejection is used, where applicable.

Regarding claims 20, this computer readable medium claim contains limitations found within that for claim 10 and the same rationale of rejection is used, where applicable.

Regarding claims 21, this computer readable medium claim contains limitations found within that for claim 1 and the same rationale of rejection is used, where applicable.

Regarding claims 22, this computer readable medium claim contains limitations found within that for claim 12 and the same rationale of rejection is used, where applicable.

Regarding claims 23, this computer readable medium claim contains limitations found within that for claim 13 and the same rationale of rejection is used, where applicable.

Regarding claims 24, this computer readable medium claim contains limitations found within that for claims 14 and 1, and the same rationale of rejection is used, where applicable.

Regarding claims 25, this computer readable medium claim contains limitations found within that for claim 1 and the same rationale of rejection is used, where applicable.

Regarding claims 26, this computer readable medium claim contains limitations found within that for claim 1 and the same rationale of rejection is used, where applicable.

Regarding claim 27, this system claim contains limitations corresponding to that of claim 1 and the same rationale of rejection is used, where applicable.

Regarding claim 28, this system claim contains limitations found within that of claim 1 and the same rationale of rejection is used, where applicable.

Regarding claim 29, this system claim contains limitations found within that of claim 5 and the same rationale of rejection is used, where applicable.

Regarding claim 30, this system claim contains limitations found within that of claim 1 and the same rationale of rejection is used, where applicable.

Regarding claim 31, this system claim contains limitations found within that of claim 9 and the same rationale of rejection is used, where applicable.

Regarding claim 32, this system claim contains limitations found within that of claim 10 and the same rationale of rejection is used, where applicable.

Regarding claim 33, this system claim contains limitations found within that of claim 6 and the same rationale of rejection is used, where applicable.

Regarding claim 34, this system claim contains limitations found within that of claim 6 and the same rationale of rejection is used, where applicable.

Regarding claim 35, this system claim contains limitations found within that of claim 1 and the same rationale of rejection is used, where applicable.

Regarding claim 36, this system claim contains limitations found within that of claim 42 and the same rationale of rejection is used, where applicable.

Regarding claim 37, this system claim contains limitations found within that of claim 42 and the same rationale of rejection is used, where applicable.

Regarding claim 39, the Bowker/Dunning system teaches wherein the first application program and the second application program operate on the same computer (Dunning: [0300] provides the media player can both export and import).

Regarding claim 40, the Bowker/Dunning system teaches wherein the first application program is a media management application (Dunning: [0300]).

Regarding claim 41, the Bowker/Dunning system teaches wherein the data communication file is automatically produced by the first application program (Dunning: [0300]; Bowker: Figure 6; col 5, lines 29-43).

Regarding claim 42, the Bowker/Dunning system teaches wherein the first application program automatically updates the data communication file when the media information utilized by the first application program changes (Dunning: [0207] provides for auto-updating pages based on play logs changing).

10. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bowker et al (US 6,601,071 B1), in view of Dunning et al (US 2002/0082901 A1), and in further view of Berry et al (US 6,018,341).

Regarding claim 38, the Bowker/Dunning system teaches wherein an action performed automatically is the first application program updating the data communication file (Dunning: [0207] for auto-updating; Bowker: col 4, line 5 – col 6, line 11 for comm. file).

The Bowker/Dunning system does not teach wherein an action is performed automatically when a user interface window associated with a specific program is context switched into the foreground position.

Berry, in a similar field of endeavor, teaches wherein an action is performed automatically when a user interface window associated with a specific program is context switched into the foreground position (Berry: abstract; Figure 7, items 706 into 708; col 8, lines 12-33).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Berry for performing an automated action

after a window is focused into the foreground. The teachings of Berry, when implemented in the Bowker/Dunning system, will allow one of ordinary skill in the art to auto-update the exported communication file after a particular program window is focused to the foreground. One of ordinary skill in the art would be motivated to utilize the teachings of Berry in the Bowker/Dunning system in order to ensure the communication file is up-to-date when a user indicates intent to use it.

Citation of Pertinent Prior Art

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Bata et al (US 6,901,403 B1) discloses a proprietary database publication-as-xml system.

b. Ankireddipally et al (US 6,772,216 B1) discloses CXIP, a protocol for inter-application communication using xml documents.

c. Duigou et al (US 7,412,518 B1) discloses a service interface definition system, utilizing XML.

d. Yamatari et al (US 6,356,916 B1) discloses a system for trans-replicating databases in varying proprietary formats.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEFFREY NICKERSON whose telephone number is (571)270-3631. The examiner can normally be reached on M-Th, 9:00am - 7:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. N./
Jeffrey Nickerson
Examiner, Art Unit 2442

/Andrew Caldwell/
Supervisory Patent Examiner, Art Unit 2442